

3-5-2013

- Board of Pardon and Parole does not object to a Study, but asks that it be done by the professional Legislative Audit Division. LAD has more time, resources, and expertise to conduct a more in depth study.
- The Montana Parole Board has been in existence since before the turn of the century and subject to many studies and audits, both by State and National committees, as recent as November 2012. There has never been any finding of misconduct or abuse of authority.
- Prior studies have resulted in additional Board members, staff and resources.
- In the Sentencing Commission Study in 1997, Montana rejected sentencing guidelines and was satisfied with the current sentencing laws including the role of parole within the criminal justice system.
- Those offenders more easily diverted from prison have already been diverted and the system and Board is now looking at offenders that have not been successful in alternative programs, thus have been returned to the secure care.
- Abolishing parole board eliminates the incentive for inmates to obey institution rules or to be respectful to correctional staff.
- Abolishing parole eliminates the incentive for inmate to complete treatment. Returning to communities without treatment would likely increase the potential of recidivism.
- Eliminating the Parole Board would not give Courts systems the authority to require treatment before release. Currently, Courts can restrict parole until treatment complete.
- Courts impose sentences as set by legislation and dictated in law. Parole does not lengthen sentences.
- Legislature, in 1995, significantly increased time to be served to parole eligibility not the Board. Legislature changed 1/5 to 1/4 of sentence.
- Elimination of the Parole Board would require a complete overhaul of the judicial system and changes to all criminal statutes.
- Eliminating Parole Boards makes an inmate's release automatic, regardless of behavior of offender.
- Without a Parole Board, you decrease the ability to keep very dangerous offenders in prison.
- Release from prison would be a right, rather than a privilege of early release.
- You might remember high profile kidnapper Richard Allen Davis, who was rejected for parole six times, and when California ended parole, he was released automatically and within a few months he murdered 13 yr old Polly Klaas. This is just an example.
- Flat discharge cases would not have supervision after release eliminating ability of returning offenders to prison whenever community safety is threatened.
- Parole empowers judges, prison official, legislators, and parole boards to work together to administer a flexible system to hold offenders accountable, thus protecting public and promote rehabilitation and re-entry to offender ready for release.
- Per MCA 46-23-201(5), mandates the Parole Board consider written or oral statements from a victim regarding the effects of the crime on the victim.

- To eliminate this venue for victims will take "Victim Rights" back decades.
- It was because of the Truth and Sentencing laws that states took a look at abolishing the parole boards, not because of saving money. They wanted victims to know exactly how much time an offender would serve.
- The majority of the 15 states that eliminated parole did so because of Truth in Sentencing not to get more inmates released or to save money.
- A state by state status of Parole Boards and their current authority is attached to this fact sheet.
- Based on their experience with Truth and Sentencing laws, there was no proof that eliminating parole boards reduced crime, but led to further increase to prison population.
- Three, out of fifteen, states that have previously abolished their parole board have brought them back.
- Eight, out of fifteen, states that abolished parole boards have reestablished some sort of releasing or reviewing authority, either within the DOC or Executive Branch.
- Association of Parole Authorities, International has conducted surveys of paroling authorities since 1997 and they are available on their website apaintl.org.
- Here is a comparison in figures from when the last Legislative Audit was done in 2000 and 2012. You will see that the Board has been pretty consistent over time.

	<u>2000 Audit</u>	<u>Year 2012</u>
Time served to initial appearance	25 months	25 months
Board Caseload	2047	2231
Granted parole at initial appearance	52%	49%
Granted parole at reappearance	41%	78%
Passed to Discharge	330	135

Parole Board Survey.. State by State		From the Association of Paroling Authorities, International									
	Definitions: "Yes" means full discretion with some statutory limits										
	"Yes Limited" means discretion except in dealing with certain type of offenders. (such as violent or sex offenders)										
	"Yes very limited" means the Board has discretion in a number of old code cases, but little discretion with offenders who committed a crime after a set date.										
	"No" means there is little discretion or parole has been totally abolished. However, many Boards still have authority over other areas of release, like setting conditions and revocations										
State	Yes	Yes Limited	Yes, Very Limited	No	Comments						
Alabama	X				Full authority						
Alaska	X				Full authority						
Arizona			X		Must serve 1/2 to 2/3 of sentence based on crime						
Arkansas			X		Hold Victim input hearings and make recommendations, parole on crimes prior to 1994						
California			X		Bd has discretion to release "lifers", authority to approve parole plans & conditions & all revocation						
Colorado	X				Mandatory 5 yr parole supervision and lifetime supervision on sex offenders						
Connecticut	X				Authority over offender sentenced to 2+ yrs. Only violent offender get a face to face hearing						
Delaware			X		Authority on crimes prior to 1990. Bd holds hearing for modification of sentence for DOC and Court						
Florida			X		Authority on crimes prior to 1983, does medical paroles, capital murder & sex battery prior to 1995						
					Sets conditions and Bd has prison management authority if insufficient prison bed space.						
Georgia		X			Has a three strike, your out type system.					Mandatory min of 10 yrs for violent crimes w/no parole	
Hawaii	X				Full authority						
Idaho	X				Full authority						
Illinois				X	Board is authority for juvenile offenders & adult revocations						
Indiana				X	Board is over parole supervision and offenders who committed crime before 1977						
Iowa	X				Full authority						
Kansas			X		Authority on offenders who committed crimes after 7/1993. Authority over conditions & revocations						
Kentucky	X				Parole eligibility increased from 50% to 85% for violent offenders, Sex Offenders- no parole until tx comp						
Louisiana	X				All crimes against person cannot be paroled						
Maine				X	parole abolished in 1976 but there are only a few cases that stil can be considered for parole						
Maryland	X				Authority over all inmates except those sentenced to life. Governor has authority over those inmates						
Massachusetts	X				Authority over all except a few sex offenders who not eligible under an old law						
Michigan	X				Full authority						
Minnesota				X	No Board but re-established a "Hearing and Release Unit" that is responsible for hearings and reviews						

State	Yes	Yes Limited	Yes, Very Limited	No	Comments
Missouri		X			Authority over most offenders except small percentage deemed "no-parolable".
Mississippi			X		Authority only if crime was committed prior to 7/1995
Montana	X				Authority on offenders after serving 25% of sentence
Nebraska	X				Authority on offenders after serving 50% of sentence
Nevada	X				Full authority
New Hampshire	X				Full authority
New Jersey	X				Full authority
New Mexico			X		Authority for crimes committed prior to 1979. Still sets conditions and handles revocations
New York		X			Authority to grant parole when inmates have completed minimum term. Sets conditions and Revocations of both parole & Conditional Releases
North Carolina			X		Authority for crimes prior to 4-1994, But authority for DUI's after 10-94, sets condition, Revocations
North Dakota		X			Authority over all inmates except those who are serving 85% of their sentence
Ohio			X		Authority for crimes prior to 1996. Sets Conditions and can impose "bad time" while in the prison.
Oklahoma			X		Recommends release to Governor who is final releasing authority. Recommends conditions
Oregon			X		Authority for crimes prior to 1989 & those sentenced as dangerous offenders. Board sets conditions.
Pennsylvania	X				Authority for all offenders with a sentence of two or more years. Chair has authority over Probation
Rhode Island	X				Authority for offenders w/ sentence of six months or more. Ification
South Carolina		X			Authority over all offenders except certain crimes with sentences of 20 yrs+ or committed after 1996
South Dakota			X		Authority for crime committed prior to 7-1996.
Tennessee			X		No parole for "crimes against a persons" committed after 7-95. Authority over all other offenders
Texas	X				Full authority
Utah	X				Full authority
Virginia			X		Authority for crimes committed prior to 1995.
Vermont	X				Full authority
Washington			X		2 Classes of offenders under Board authority: Crimes committed prior to 1984 and certain sex offenders who committed crimes after 2001
West Virginia	X				Full authority
Wisconsin			X		Turth in Sentencing in 1-2000 eliminated parole for individuals arrested after that date.
Wyoming	X				Board has authority over all cases prior to 2000 Full authority and can restore voting rights .

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